



Amphenol Corporation

World Headquarters

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 30, 1995

Mr. Paul Little
Chief, MI/WI Enforcement Section
Enforcement & Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Administrative Order on Consent (AOC) dated November 27, 1990
Franklin Power Products Co./ Amphenol Corporation (Respondents)
IND 044 587 848

Dear Mr. Little:

On November 20, 1995, I received your letter dated November 14, 1995 disapproving the revised Corrective Measures Study (CMS) report for the subject AOC. The Respondents are disappointed that EPA has not responded to our repeated offers to meet and discuss any and all of the issues addressed in the revisions to the CMS and, instead, has chosen to formalize its disapproval unilaterally and without consultation with the Respondents, by invoking the stipulated penalty provisions of Section XVII.1.c. of the AOC. In order to protect their rights under the AOC, the Respondents are, therefore, invoking the Dispute Resolution provisions of Section XVIII of the AOC. Furthermore, the Respondents reassert the Reservation of Rights as provided in Section XX and the Excusable Delay provision as provided in Section XIX of the AOC.

In the September 22, 1995 response to EPA's original comments on the CMS, we acknowledged that there might continue to be outstanding issues and concerns on the part of EPA and we reiterated that we were available to meet and more fully discuss those issues at EPA's convenience. Although we strongly believe that those discussions would have been more fruitful if undertaken in an informal setting, we remain available to participate in substantive conversations. Without delving into the specific items noted in your letter, we believe that those comments can be broken into three general categories:

1. Comments which Respondents may have interpreted differently than EPA had intended;

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2. EPA requirements that may not be technologically feasible due to the status of the database which prevents one from drawing meaningful conclusions or developing sound engineering estimates;
3. Comments where EPA may be requesting that the Respondents perform additional investigative activities outside the scope of the approved RCRA Facility Investigation Work Plan and Report.

Throughout this process, Amphenol and Franklin Power Products have endeavored to work proactively with EPA and Indiana DEM. As you may know, various actions, including investigations and remedial activities, have been undertaken voluntarily at this site since the early 1980's and preceding the AOC currently in place. Most recently, in early 1995 the Respondents installed interim remedial measures at the site to initiate ground water recovery and treatment in advance of any corrective measures arising from the RFI/CMS process. This, of course, was done at the Respondents risk. Notwithstanding the aggressive posture taken initially by EPA, the Respondents trust this matter can be resolved without unnecessary legal maneuvering, and that they can continue to address conditions at the site in a spirit of mutual cooperation.

We look forward to hearing from you shortly to set a time for a meeting. In anticipation of the issues to be raised at that meeting, however, we would request that all agency personnel who provided input to the comments on the CMS be available to discuss those comments and to respond to questions from our technical consultants. In this way we can have a clear and complete discussion of the issues, while minimizing the opportunities for additional misunderstandings.

Please contact me at (203)265-8760 if you have any questions on the above or to schedule a meeting.

Sincerely,



Samuel S. Waldo
Director, Environmental Affairs

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cc: J. M. Jarvis
S. Gard, Esq.
P. Perez, Esq.
G. Pendencygraft, Esq.
P. Andrews, Esq., USEPA
M. Sickles, IDEM